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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/543,036	07/21/2005	Yasuyuki Goto	20441/0202715-US0	8433
7278	7590	06/05/2007	EXAMINER	
DARBY & DARBY P.C.			GARRETT, DAWN L	
P.O. BOX 770			ART UNIT	PAPER NUMBER
Church Street Station			1774	
New York, NY 10008-0770			MAIL DATE	DELIVERY MODE
			06/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/543,036	GOTO ET AL.	
	Examiner	Art Unit	
	Dawn Garrett	1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-14, 19-26 and 31-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11 is/are rejected.
- 7) ☒ Claim(s) 12-14, 19-26 and 31-42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office action is responsive to the amendment filed April 5, 2007. Claims 1-10, 15-18, and 27-30 are cancelled. Claims 11-14, 19-26, and 31-42 were amended and are currently pending.
2. The rejection of claims 11-30 and 39-42 under 35 U.S.C. 102(b) as being anticipated by Tokito et al. (US 5,783,292) is withdrawn due to the amendment.
3. The rejection of claims 19-26 and 39-42 under 35 U.S.C. 103(a) as being unpatentable over Tokito et al. (US 5,783,292) is withdrawn due to the amendment.
4. The rejection of claims 11-22 under 35 U.S.C. 102(b) as being anticipated by Baldo et al. (US 6,097,147) is withdrawn due to the amendment.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. (US 2001/0051284). Ueda et al. teaches organic electroluminescent devices comprising an electron injecting layer comprising a metal halide such as lithium bromide (see par. 38) in mixture with an organic material (see par. 41). Ueda et al. does not expressly state the metal halide changes the luminescence, but since the same type of inorganic material is disclosed, the properties of the material are considered to be inherent. Recitation of a newly disclosed property does not

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distinguish over a reference disclosure of the article or composition claims. *General Electric v. Jewe Incandescent Lamp Co.*, 67 USPQ 155. *Titanium Metal Corp. v. Banner*, 227 USPQ 773.

Applicant bears responsibility for proving that reference composition does not possess the characteristics recited in the claims. *In re Fitzgerald*, 205 USPQ 597, *In re Best*, 195 USPQ 430. Although Ueda et al. does not exemplify a layer comprising metal halide such as lithium chloride in mixture with an organic electron transporting compound, it would have been obvious to one of ordinary skill in the art at the time of the invention to have formed a layer comprising metal halide such as lithium chloride, because Ueda et al. clearly teaches halides are desirable as part of the electron injecting mixed layer.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tokailin et al. (US 2002/0192499). Tokailin et al. discloses organic electroluminescent devices comprising a hole injecting layer between the electrodes comprising at least one of aluminum phthalocyanine chloride among other materials that are organic (par. 73). Tokailin et al. does not expressly state the metal halide changes the luminescence, but since the same type of inorganic material is disclosed, the properties of the material are considered to be inherent. Although Tokailin et al. does not exemplify a hole injecting layer comprising metal halide in mixture with an organic hole injecting-transporting compound, it would have been obvious to one of ordinary skill in the art at the time of the invention to have formed a layer comprising metal halide in combination with an organic compound, because Ueda et al. clearly teaches halides are desirable as part of the hole injecting layer that may comprise more than one compound.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taniguchi et al. (US 6,631,147). Taniguchi et al. discloses light emitting devices comprising an electron

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transporting layer between electrodes (see abstract). The electron transporting layer comprising an alkali or alkaline earth metal chloride or iodide in mixture with an organic electron transporting compound (see col. 12, lines 11-34). Taniguchi et al. does not expressly state the metal halide changes the luminescence, but since the same type of inorganic material is disclosed, the properties of the material are considered to be inherent. Although Taniguchi et al. does not appear to exemplify a hole injecting layer comprising metal chloride or iodide in mixture with an organic electron-transporting compound, it would have been obvious to one of ordinary skill in the art at the time of the invention to have formed a layer comprising metal halide in combination with an organic electron transporting compound, because Ueda et al. clearly teaches halides are desirable as part of the mixed electron transporting layer.

Allowable Subject Matter

9. Claims 12-14, 19-26, and 31-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The closest prior art has been discussed in this Office action. The prior art fails to teach or to render obvious the very specific metal halides and features of a device as recited in these claims.

Response to Arguments

10. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is (571) 272-1523. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached at (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dawn Garrett
Primary Examiner
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